

APPEAL NO. 171176
FILED JUNE 27, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 7, 2017 (we note that the decision incorrectly cites the first CCH date as October 18, 2016, which will be addressed below), and again on April 10, 2017, in (city) Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury, and (2) the claimant did not have disability from February 15, 2016, through the date of the CCH.

The claimant appealed, disputing the hearing officer's determinations on the basis that the evidence does not support those determinations. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed in part, reformed in part, and reversed and rendered in part.

The claimant testified he sustained injuries while working as a rigger climber for the employer.

COMPENSABLE INJURY

The hearing officer's determination that the claimant did not sustain a compensable repetitive trauma injury with a date of injury of (date of injury), is supported by sufficient evidence and is affirmed.

DISABILITY

The hearing officer's determination that the claimant did not have disability from February 15, 2016, through the date of the CCH is supported by sufficient evidence and is affirmed.

GOOD CAUSE FOR FAILURE TO ATTEND CCH

During the April 10, 2017, CCH, the hearing officer specifically added the issue of whether the claimant had good cause for failing to appear at the February 7, 2017, CCH. However, the hearing officer's decision incorrectly states that the first CCH occurred on October 18, 2016. Although Texas Department of Insurance, Division of Workers' Compensation records reflect that the CCH was initially scheduled to occur on October 18, 2016, the CCH was reset at the claimant's request and the first CCH

actually occurred on February 7, 2017. Accordingly, we reform all references of October 18, 2016, to February 7, 2017, to reflect the correct date for the first CCH in this case.

The hearing officer specifically found that the claimant had good cause for failing to appear at the first CCH. That finding is supported by sufficient evidence. However, the hearing officer failed to make a conclusion of law or decision regarding the good cause issue. Accordingly, we reverse the hearing officer's decision as being incomplete and render a decision that the claimant had good cause for failing to appear at the February 7, 2017, CCH.

SUMMARY

We affirm the hearing officer's determination that the claimant did not sustain a compensable repetitive trauma injury with a date of injury of (date of injury).

We affirm the hearing officer's determination that the claimant did not have disability from February 15, 2016, through the date of the CCH.

We reform all references of October 18, 2016, to February 7, 2017, to reflect the correct date for the first CCH in this case.

We reverse the hearing officer's decision as being incomplete and render a decision that the claimant had good cause for failing to appear at the February 7, 2017, CCH.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701.**

Carisa Space-Beam
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Margaret L. Turner
Appeals Judge